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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,278	04/24/2000	Scott C. Harris	SCH/PAGE ENCRIPTION	8110
23844	7590	04/21/2005	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			LIPMAN, JACOB	
		ART UNIT	PAPER NUMBER	2134

DATE MAILED: 04/21/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/557,278

Filing Date: April 24, 2000

Appellant(s): HARRIS, SCOTT C.

Scott Harris, Esq.
For Appellant

HN

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/6/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 10/7/2004 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1 and 3-15 do not stand or fall together. The examiner believes all the claims to be in one group and should stand or fall together.

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,321,749	Virga	6-1994
The American Heritage	Houghton Mifflin Company	2002
College Dictionary pages		
295 and 545		

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 3-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Virga, US Patent number 5,321,749.

With regard to claim 1, Virga discloses a method of encrypting, (column 1 lines 5-7), by obtaining text-containing information (column 6 lines 15-20) and font information (column 6 lines 18-20), formatting the information to form an electronic file (column 6 lines 29-45) and encrypting the information (column 6 lines 45-49).

With regard to claim 3, Virga discloses transmitting the encrypted information to a client (column 13 lines 7-12), and decrypting and displaying it (column 13 lines 12-16).

With regard to claims 4 and 13, Virga discloses compressing the information before encrypting it (column 1 lines 1-3), wherein it determines the distance to a transition between colors and codes the distance (column 11 lines 3-37).

With regard to claims 5 and 14, as best understood, Virga discloses changing an encryption aspect by adding a password (column 3 lines 3-6), making it more difficult to decode the information.

With regard to claim 6, Virga discloses changing the length of the information by compression (column 11 lines 1-37).

With regard to claims 7, 9, 10, and 15, as best understood, Virga discloses lines are encrypted in chunks (column 11 lines 61-65), and decrypted and displayed one at a time (column 12 lines 3-6).

With regard to claims 8 and 11, as best understood, a chunk can be considered one line, two lines, three lines and so on, and thus is variable in length.

With regard to claim 12, as best understood, Virga discloses decryption can be executed on a portable computer (column 6 lines 44-51 and column 12 lines 61-68).

(11) Response to Argument

Claims 1 and 3-15 are rejected under 35 U.S.C. 102(b). This rejection is set forth above, and claims 1 and 13 are outlined here for further clarity.

With regard to claim 1, Virga discloses a method of encrypting, (column 1 lines 5-7), by obtaining text-containing information (column 6 lines 15-20) and font information (column 6 lines 18-20), formatting the information to form an electronic file (column 6

lines 29-45, column 13 lines 28-30) and encrypting the information (column 6 lines 45-49, column 13 lines 30-31).

With regard to claim 13, Virga discloses the file is a word processing file (column 13 lines 27-30) encrypting it (column 13 lines 30-31), wherein it determines the distance between transitions (column 11 lines 3-37), transmitting the encrypted file over a channel to a client (column 13 lines 31-32), and, at the client, decrypting and displaying the formatted unencrypted information (column 13 lines 32-36).

With regard to applicant's argument that, "using that formatting information to format text and produce an electronic file (as compared with Virga's paper)". The examiner disagrees with this. Claim 1 reads, "formatting said text-containing information into a format for display, to form an electronic file representing formatted unencrypted information". The examiner points to page 5 lines 3-5 of applicant's brief on appeal, where applicant agrees that Virga formats a file to produce a bitmap. This is the step in Virga that parallels the formatting step of claim 1. Virga discloses scanning a paper containing text (column 6 lines 29-45), as outlined in prior office actions, and, as applicant mentions, formats it to produce a bitmap.

With regard to applicant's argument that this electronic file is not produced by formatting the text information for display to form an electronic file, the examiner point again to column 6 on Virga to show that is exactly what is disclosed. Applicant argues that the words should mean something, and the examiner agrees, which is why the examiner submitted a dictionary definition of the term "formatting" in the final office

action filed 7/12/2004. Applicant's arguments are not persuasive since the term "formatting" is not defined in the claims and no alternate definition has been offered.

With regard to applicant's arguments that the examiner is comparing Virga's printed-paper to the electronic file in the claims, the examiner wishes to point out that this is not the case. The paper is compared to the text-containing information with formatting information. This is then scanned to produce an unencrypted file representing the formatted information, and then encrypting this file (column 9 line 60-column 10 line 12). The examiner further points out that Virga does, in fact, disclose the "printed-paper" can also be an electronic file (column 13 lines 27-36).

With regard to applicant's argument that Virga does not disclose coding distances between transitions, the examiner disagrees and again points to Virga, column 11 lines 1-37.

With regard to applicant's argument claim 7 "specifically requires that each chunk is one line of information", the examiner points out that claim 7 states, "said chunk includes a line of data", and not that it must be a line. The examiner points out that any file is made up of chunks. Any section of a file can be considered a chunk, including a line.

With regard to applicant's argument that, in claim 9, scanning could not be read on the formatting of a text containing file, the examiner points out that nowhere in this claim does it specify that this file is electronic. The examiner further points out that Virga does, in fact, disclose the "printed-paper" can also be an electronic file (column 13 lines 27-36).

With regard to applicant's argument that Virga does not vary the size of chunks, the examiner points out that chunks are only defined as pieces of data, and could be one line, two lines, three lines, and so on.

With regard to applicant's argument that Virga does not disclose anti-stitching, the examiner points out that the claimed invention does not recite steps to define anti-stitching as argued by applicant. A password would prevent decryption by stitching together parts of information (column 3 lines 3-6).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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April 1, 2005

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